

REMARKS

Favorable consideration and allowance of the present application are respectfully requested.

The presently pending claims are generally directed to an elastic nonwoven web comprising fibers formed from a composition having a blend of two components. As now amended, the two components comprise an elastomeric polyolefin having a density of less than 0.870 g/cm^3 and a nonelastomeric polyolefin having a density of at least 0.890 g/cm^3 . Support for this amendment can be found in Para. [0044] of the present application. In addition, all of the claims require that the elastomeric polyolefin component be present in an amount from about 90% to about 50% and the nonelastomeric polyolefin component be present in an amount from about 10% to about 25%.

In the Office Action, claims 9-15 and 18-22 stand rejected under 35 U.S.C. § 102 in view of U.S. Patent No. 5,382,631 to Stehling et al., while claims 9-15 and 17-22 stand rejected under 35 U.S.C. § 103 over Stehling et al in view of EP 0 600 482. Without commenting on the propriety of the previous rejection, as now amended, it is believed that the claims clearly patentably define over the above references either alone or in combination.

For example, independent claim 9 is believed to patentably define over Stehling et al. Stehling et al. discloses linear ethylene interpolymers. As opposed to claim 9, however, Stehling et al. does not disclose or suggest the use of an elastomeric polyolefin having a density of less than 0.870. In fact, in example 5 as cited by the Examiner, the plastomer has a density of 0.884 g/cc. The Office Action asserts that it is reasonable to presume that the density values "include values which are approximately +/- 10%" which would amount to variations of +/- 0.088. However, Stehling et al. describes plastomer blend components in the density range of from about 0.88-0.90 g/cc, or a difference of 0.02 g/cc. It is simply not reasonable to presume density values of +/- 10% of 0.88 g/cc when the entirety of the range provided for in Stehling et al. is a fraction of that amount. Thus, Stehling et al. fails to anticipate the presently pending claims.

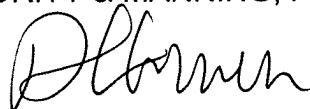
Furthermore, the Office Action states that Stehling et al. describes a composition in Example 2 where the components are present in amounts of 75 and 25 percent. It is not clear how Example 2 describes an elastomeric polyolefin component present in an amount from about 90% to about 50% and a nonelastomeric polyolefin component present in an amount from about 10% to about 25%. Indeed, the Office action states that "Stehling does not specifically describe the particular amounts of each component of the blend." Therefore, it is respectfully submitted that Stehling et al. does not teach or suggest the limitations of the presently pending claims.

As the EP '482 reference does not remedy the deficiencies of Stehling et al., it is respectfully submitted that the presently pending claims patentably define over the cited references.

In summary, Applicants submit that the presently pending claims are patentably distinct over the cited references and are in complete condition for allowance. Should any issues remain after consideration of this response, however, than Examiner Cole is invited and encouraged to telephone the undersigned at her convenience.

Respectfully submitted,

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July 30, 2007
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